

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**September 10, 2012**

**7:00 p.m.**

Present: Tony DeMarco  
Kathy Pucci  
Ron Van Kirk  
Colleen Gallagher  
Katie Gallagher  
Kevin Tanski  
Tom Murphy

Absent: None

Pledge of Allegiance.

President DeMarco asked for an amendment of the Agenda to include an authorization request for the 2012 street repair project in the amount of \$30,900. **MOTION** by Pucci, second by C.Gallagher to amend Agenda. **VOTE RESULTED:** *Amend Agenda:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(AGENDA AMENDED)**

#### **DISPOSAL OF MINUTES:**

**MOTION** by Murphy, second by Tanski to approve the minutes of June 25, 2012. **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. Abstain: VanKirk. No: None. **(APPROVED)**

**MOTION** by C.Gallagher, second by VanKirk to approve the minutes of July 23, 2012. **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski. Abstain: Murphy. No: None. **(APPROVED)**

**MOTION** by Pucci, second by C.Gallagher to approve the minutes of August 6, 2012, as amended with a correction to the spelling of the name 'Klimer.' **VOTE RESULTED:** *Approve as Amended:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Murphy. Abstain: Tanski. No: None. **(APPROVED AS AMENDED)**

**MOTION** by Murphy, second by C.Gallagher to approve the minutes of August 8, 2012, **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski. Abstain: VanKirk. No: None. **(APPROVED)**

President DeMarco said he had several announcements. He updated that at special meetings held during the summer the following items were approved: July 23: Res. 2012-11 (adopted Office of Emergency Management for Cuyahoga County for 2012), Res. 2012-12 (authorized Mayor to give obsolete defibrillator and accessories), Ord. 2012-49 (approved additional \$1300 for services to landfill services contract); August 6: Ord. 2012-50 (authorized replacement of skylights at Comm-Sr. Center for \$144,486), Ord. 2012-51 (authorized \$21,390 for emergency lead remediation, consulting and reconstruction in the Police Department); August 8: Ord. 2012-52 (final settlement and release in case of Donna Thompson vs City of Brooklyn et al), Ord. 2012-53 (final settlement and release in case of Jeanne Thiel et al vs City of Brooklyn et al). He also announced that a new sound system is in place, which could have quirks to work out; the video will be available at [brooklynoho.gov](http://brooklynoho.gov); and asked for patience with the new technology. The City also has a Facebook page.

#### **PUBLIC SESSION:**

*Lou Changeri* of 8972 Trail Run. Reminded everyone that school is in session and to be observant of students walking and riding bikes to and from school, that school zones are 20 miles per hour, and no right turn on reds are in effect.

*Dan Brown* of 4444 Outlook Drive. Had a complaint on the speed of cars on Outlook Drive. Asked if there could be a possibility of a stop sign at Orchard and Outlook to slow traffic, or even some Children at Play signs. He and some neighbors would be willing to pay for the stop sign.

#### **REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Chairman DeMarco): Met at 5:45. The Committee approved an authorization for the street striping program, to be done in-house this year; approved additional \$30,900 for 2012 street repair project; recommended Council adopt Res. 2012-13; Ords. 2012-54, 55, 56, 57, 58, and 2012-60.

Recreation Board (Councilman Tanski): Requested from Mgr. McGinty the Silver Sneakers revenue report from May-August. The next Recreation Board meeting is Monday, September 17<sup>th</sup> at 6:30 in the Mayor's Court.

Bd. of Zoning Appeals (Comm. Ockington): The next meeting of the Board will be held Thursday, September 20<sup>th</sup> at to hear an appeal of denial of the Planning Commission from the Cleveland Baptist Church to install 35 square foot signs in two locations.

Planning Commission (Councilwoman K.Gallagher): The Commission met August 2<sup>nd</sup> and approved a request from J.Reese for Conditional Use Approval for 10310 Cascade Crossing (Hooley House Pub & Grill). Also met on September 6<sup>th</sup> and denied a request from Cleveland Baptist to install two signs in two adjacent locations.

Legislative Update, Domestic Violence, Juvenile Diversion (C. Gallagher): Ohio's new texting while driving law is in effect, with a six month warning period to March 1, 2013. Cited statistics and the levels of enforcement, especially for drivers under age 18, which is a primary offense.

#### **REPORTS OF COUNCIL:**

**Kathy Pucci:** Thanked Pastor and Mrs. Folger and Ron VanKirk of Cleveland Baptist Church for honoring public servants on Sunday. Congratulated Pastor Folger on his appointment as one of the Cleveland Police Department's Chaplains. Thanked all directors for assistance over summer with resident concerns and complaints. Reported on the Community Improvement Corp. mtg of July 9<sup>th</sup>. Met with Mr. Selig from NAI Daus in regard to property on corner of Memphis and Ridge, who also represents the owners of the for sale OpinioNation building. A potential buyer could purchase both properties. A six month agreement was authorized, with the city retaining the right to refuse what they consider to not be in the best interest of the city. Asked Chief Mielke for special attention on Outlook, and to check into if a stop sign is warranted there. The new website is up and running, thanked the County for designing it, which includes an option to sign up for e-mail alerts, and encouraged people to do so. Announced the annual Community Picnic, sponsored by the Brooklyn Democratic Club, this Sunday at the Comm-Sr. Center from 1-5, with free admission, door prizes, food, entertainment. Welcomed resident and student Scott Legeza present for a school class. Asked for remembrance tomorrow of victims and families of the attacks on 9/11.

**Ron VanKirk:** Also asked remembrance of September 11<sup>th</sup>, and those still fighting terrorism around the world. School back in full swing, be aware of children crossing streets. Thanked Mr. Brown for attending the meeting. Has e-mailed both Chief Mielke and Dir. Chessar requesting additional signage on Outlook Dr. Will be holding a Safety Committee meeting in the next couple weeks, with possible additional signage being part of discussion.

**Colleen Gallagher:** During summer recess she was blessed with her first grandchild, but also lost her sister Kitty. Expressed thanks to Paul Kloder, Executive Director of Court Community Services. Reported on the program's collection of trash along roadways in the county, of which Brooklyn was also served by this program. Received an e-mail from a resident about the 'smart meters' that will be installed by the Water Dept. and her concerns about the emitting of radiation from them, along with other issues, and that there is no option for not having these installed. She asked the Mayor to give her an update on his upcoming

meeting with the utility company; and to also coordinate with Councilman Murphy (Safety Comm. Chair) to schedule a town hall meeting to discuss the health concerns with residents, and for any possibility of an opt-out. Also received an e-mail from a resident about raising chickens, which is outlawed in Brooklyn, stating she has almost an acre and would like to raise one or two chickens. Councilwoman is introducing an Ordinance, mirrored on Cleveland's chicken legislation, to put on first reading tonight. If Council votes it down, she asks Comm. Ockington to notify any residents having illegal chickens or roosters in Brooklyn to remove them. Councilman Murphy, as Chair of the Safety Committee, will hold a meeting with this as part of discussion. In regard to the two lawsuits from two former city employees settled for \$750,000 – said that the city has had three substantial sexual harassment lawsuits which our insurance has paid over \$1 million for. Federal law prohibits discrimination and harassment in the workplace on the basis of age, sex, race, religion, national origin, disability, and pregnancy. The city needs to hold more training for directors and employees. Any person taking part in this improper conduct of another employee should be disciplined or fired.

**Katie Gallagher:** Over the last month the city has been surveying residents concerning possible placement of sound barriers along 480, with the help of Councilmembers C.Gallagher and Tanski, and resident Joe Polidori. ODOT has done a preliminary reading, which justified the next step, completing a petition that requires over 50% of residents' approval to then get on a list for a possible noise study and then possible noise barriers. She told residents within 400 feet of I-480 if they haven't been contacted yet they will be, hopefully in the next couple weeks. Echoed C.Gallagher's sentiments on the lawsuits. She is glad the city is moving forward with sexual harassment training, but the city should also be more proactive about the measures. She apologized to the victims, that they or their families should not have to endure this, especially while working for the government. Said employee health insurance has increased over 18% in the last year. The county and many cities give incentives to employees promoting healthy living and reduce healthcare costs. Asks the Mayor to begin to move towards that goal, and the city set an example. As a first step she will be proposing an ordinance that the city prohibits smoking on all city property. In the future she will propose a smoking ban for all city employees. The city can offer a grace period before banning this, and offer support services. Asked Dir. Claussen to have an Ordinance banning smoking on city property for the next meeting, including a violation. Also asked if he had a list of duties related to the HR, and also liability issues for Boy Scouts and camping. Dir. Claussen asked if she wanted to include city parks, and she responded she wanted city buildings and around the areas to go to a public space.

**Kevin Tanski:** Reported during the summer he's been out on housing violations where properties are not being maintained, especially the alley in the Dellbank area, and residents are asking it be cleaned up. Thanked Dir. Ockington for his response to all the violations, which included peeling paint, graffiti, litter, weeds, deteriorating concrete and siding, and debris in yards. He asked if most of the owners did not live in Brooklyn, and Comm. Ockington said most do not. Thanked Dir. Verba and the Service Dept. on the multiple sidewalk repairs, and said there are many more to be done. Will pass along a pamphlet for resolving tree/sidewalk conflicts. Reported the Sustainability Advisory Committee has met throughout the summer, with numerous firms giving ideas on where to pursue energy savings. A presentation was given on July 30<sup>th</sup> regarding a utility cost reduction program from Engineer Process Systems, with pros and cons discussed. Two gentlemen from Johnson Controls gave a presentation on August 28<sup>th</sup> and how Brooklyn can significantly reduce energy costs. The Committee will continue to look into the possibilities to reduce energy costs before any recommendations are made to Council.

**Tom Murphy:** Thanked the speakers. Will announce a date and time for a Safety Committee meeting in the future. Had a relative complain about a roofing contractor, of which Comm. Ockington had no complaints on, but the Better Business Bureau had 14 complaints, and some with the Attorney General, and a \$75,000 fine against them for safety violations. Asked Dir. Claussen for an Ordinance to eliminate contractors that have multiple complaints, especially because the Building Department gives a list of contractors when requested, though they are not recommended contractors, just registered contractors. Stressed for residents to do their own research. He wants to keep these contractors out of our city, and will be contacting other city Councils to make them aware.

**Tony DeMarco:** Echoed other Councilmembers comments on tomorrow being the 11<sup>th</sup> anniversary of September 11<sup>th</sup>, and keep the victims and families in prayers. Thanked Camp Brooklyn directors for having him judge their talent show, reminding him of his time as both a former attendee and former counselor. Thanked Dir. Verba for multiple resident calls they went on during the summer. Commented on the lawsuits

being on the front page of the Metro section. Said if an employee is being intimidated or harassed by a fellow employee or manager, and it is brought to someone's attention and it falls on deaf ears, to contact him personally, and he would take anything seriously and research it until brought to conclusion.

Councilman VanKirk said the Ohio Dept. of Job and Family Services will host a hiring fair, free to veterans, on November 5<sup>th</sup> at Quicken Loans Arena from 10 a.m. to 2 p.m. This is a flagship event for November's Hire a Vet program. For information call 216-664-2774.

#### **MAYOR'S REPORT:**

**Mayor Balbier:** Thanked his secretary for working very closely with the County on the new website. Read from a Proclamation proclaiming September 20, 2012 as Fathers Walk Day in the city. Found out this has been going on in Brooklyn the last three years. Thanked the Brooklyn Lowes for a donation of 30 gallons of paint for use by the Rec Dept. for the locker rooms and front entrance. Said the city keeps trying to join with other cities for purposes of saving money, like maintenance of emergency equipment, working on an animal warden; and right now Dir. Verba is borrowing a truck from Brook Park to be used for street painting. Signed an agreement with Polaris Career Center, according to the Ohio Dept. of Education rules, to work with the Rec Center providing job shadowing, training, and experience for students, and an instructor to observe their experiences. Last Thursday attended a ceremony at Key Bank for their award of a platinum certification of the US Green Building Council. Stated Dir. Verba has done a fantastic job working on the automated rubbish collection, which will start on October 1<sup>st</sup>. The George and Patricia Zane sign will be installed on Saturday, September 22<sup>nd</sup> at 10 a.m., and anyone interested may attend. There is free electronic recycling for residents and small businesses for various small electrical goods on September 29<sup>th</sup> from 9 a.m. – 2 p.m. at Middleburg, Garfield and St. Ignatius High Schools. Said he will hold an Executive Session at the end of the Council meeting for personnel reasons.

#### **DIRECTORS' REPORTS:**

Recreation Mgr. McGinty: Learn to Skate starts September 15<sup>th</sup> and Learn to Swim starts September 17<sup>th</sup>. Registration is still going on, call the Rec Center at 351-5334. In August the city received word it was awarded the Community Development Block Grant for \$150,000 to install an ADA compliant splash pad for the Natatorium. She will have more information coming.

Service Dir. Verba: Thursday at noon there will be a presentation at the Senior Center about the automated rubbish program. Then a video will be available on the city website and cable channels. The carts will be delivered the week of September 24-28, according to rubbish days. (Monday will be first) Any questions should be addressed to City Hall at 351-2133; the people delivering the carts cannot answer any questions. President DeMarco asked everyone to be extremely patient with this new process, as it will be a learning process for both the residents and the employees out there on the truck.

#### **AUTHORIZATION REQUEST:**

Liquor permit request for the Hooley House, 10310 Cascade Crossing, for a DI5 permit, for a restaurant meeting certain criteria permit. **MOTION** by C.Gallagher, second by Pucci, for a position of no objection. **VOTE RESULTED:** *No Objection:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. Abstain: VanKirk. No: None. **(NO OBJECTION)**

Request for authorization of the 2012 Street Striping Project. Begins September 17, 2012. Expenses for crosswalks and materials is \$3,915.71. An additional amount not to exceed \$20,000 is requested for rental of machine and paint. **MOTION** Pucci, second by VanKirk to approve. **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(APPROVED)**

Request for authorization for 2012 Street Repair Project for an additional \$30,900, due to a complete reconstruction of Traymore added to the program. **MOTION** by Pucci, second by Tanski to approve. **VOTE RESULTED:** *Approve:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(APPROVED)**

**LEGISLATION:**

**RESOLUTION 2012-13:** Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

**ORDINANCE 2012-54:** Amended Annual Appropriations Ordinance. Amending Ordinance 2012-5 entitled, An Ordinance to make appropriations for the current and other expenditures of the City of Brooklyn, State of Ohio, for the period January 1, 2012 to December 31, 2012. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt, as amended:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

**ORDINANCE 2012-55:** Authorizing inter-fund transfers and advances during 2012. **MOTION** by C.Gallagher, second by Pucci to suspend the rules. **VOTE RESULTED:** *Suspend the rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

**ORDINANCE 2012-56:** Amending Section 1 of Ordinance 2012-51 which authorized and approved expenditures for emergency lead remediation, consulting, and reconstruction to the Brooklyn Police Department. (additional amount of \$1,000). **MOTION** by DeMarco, second by Pucci to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

**ORDINANCE 2012-57:** Authorizing the Mayor to enter into a contract with Jackson Dieken and Associates of Westlake, Ohio for the purpose of providing property and casualty insurance for the City of Brooklyn for the period of September 25, 2012 to September 25, 2013.. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

**ORDINANCE 2012-58:** Authorizing and approving the emergency expenditure of \$29,300 for emergency replacement of a traffic signal by Signal Service, Inc. **MOTION** by C.Gallagher, second by VanKirk to suspend the rules. **VOTE RESULTED:** *Suspend the rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

**ORDINANCE 2012-59:** To add new Section 535, Sex Offender Residency Prohibition to the Codified Ordinances of the City of Brooklyn, Ohio. President DeMarco asked if this be placed on first reading. Dir. Claussen said he spoke with Councilman Murphy, who requested the legislation, about this, and sent an e-mail to the City Prosecutor for review, as she will have to deal with this if passed, and he is waiting for her response. After further discussion, **MOTION** by Pucci, second by VanKirk to place on first reading. **VOTE RESULTED:** *First Reading:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(FIRST READING)**

**ORDINANCE 2012-60:** Establishing fees for Silver Sneakers (non-member) exercise classes within the Brooklyn Recreation Department. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the rules:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

**ORDINANCE 2012-61:** To add new Section 505.33, Restrictions on the Keeping of Chickens, to the Codified Ordinances of the City of Brooklyn, Ohio. **MOTION** by C.Gallagher, second by Pucci to place on first reading. **(FIRST READING)**

Mayor Albier requested to go into Executive Session for matters of personnel, all departments, with the Law Director and Finance Director.

**MOTION** by Pucci, second by Tanski to adjourn to executive session to discuss matters of personnel in all city departments with the Law Director and Finance Director. (as requested by Mayor Albier) **VOTE RESULTED:** *Adjourn to executive session:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADJOURN TO EXECUTIVE SESSION)**

**MOTION** by Murphy, second by DeMarco to reconvene. **VOTE RESULTED:** *Reconvene:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(RECONVENE)**

There being no further business, **MOTION** by Pucci, second by VanKirk to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: DeMarco, Pucci, C.Gallagher, K.Gallagher, Murphy, DeMarco, Pucci. No: None. **(ADJOURNED)**

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Asst. Clerk of Council

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President of Council